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RUEHGB/AMEMBASSY BAGHDAD 1433
RUEHMD/AMEMBASSY MADRID 0459
RUEHLO/AMEMBASSY LONDON 3306
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SUBJECT: Turkey's Terrorism Laws: Little Likelihood of Change

11. (SBU) SUMMARY: Despite repeated prodding, Turkey continues to resist suggestions that it needs to amend its terrorism laws to broaden the definition of terrorism. Lacking releasable concrete examples of shortcomings in the current law, continued USG requests on this front are unlikely to meet with any success. Thus, while we continue to look for cases that demonstrate our position (i.e., that Turkey's laws are inadequate in certain circumstances), in the meantime we should focus on issues where we may be able to have a greater, and more immediate, impact. END SUMMARY.

Turkey's Anti-terrorism Law

12. (SBU) The main terrorism-related provisions in Turkey's laws are set forth in its 1991 anti-terrorism law and in a 2005 provision in the Turkish Criminal Code. The main elements prohibit acts by organizations which aim to change "the constitution, its political, legal, social, secular and economic system; damage the indivisible unity of the State within its territory and nation; or endanger the existence of the Turkish State and Republic." Thus the focus of the laws is almost exclusively internal to Turkey.

Attempts to Address Deficiencies

13. (SBU) Over the past two years, we have held numerous meetings and consultations with the Turks to address their legislation. The Turks maintain that their legislation is augmented by the 12 International Conventions on Terrorism to which Turkey is a party, and that investigations and prosecutions for terrorism offenses move forward appropriately under the current regime. During meetings in Washington D.C. in January 2009, however, Turkish officials did express a willingness to revisit the issue should circumstances necessitate such a review. Up to this point, we have been unable to present to them a specific instance where a change in their law would have allowed a more successful prosecution. Should such an investigation develop, a re-initiation of the dialogue would be appropriate and productive.

14. (SBU) The UK has also been active in this area. According to the British Embassy's CT specialist, however, UK efforts have been as futile as USG efforts.

Comment

15. (SBU) The Turkish Government is unlikely to address its terrorism legislation anytime soon. First, they are not persuaded there is a problem. Unless and until we can provide concrete examples where a change in the law would have made a difference,

they are unlikely to change their minds. Moreover, Turkish Government officials remain very concerned about EU accession, and worry, justifiably or not, that any efforts to broaden terrorism legislation will draw criticism from human rights lobbies and have a negative effect on Turkey's bid to join the EU. For all of these reasons, rather than continuing to make the same arguments, the USG should continue to search for specific, concrete case examples to demonstrate US concerns regarding the usefulness of the Turkish laws. Until such case examples can be documented to Turkish officials, USG efforts will likely be better spent elsewhere.

JEFFREY